



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

James A. Kohm
Associate Director
Bureau of Consumer Protection
Division of Enforcement
Phone: (202) 326-2640
Fax: (202) 326-3197

December 7, 2015

VIA ELECTRONIC MAIL

The Honorable Roberto Lange
United States District Judge
United States Post Office & Courthouse
225 South Pierre Street
Pierre, SD 57501

Re: Emergency request for continuance of preliminary settlement approval hearing in *Heldt v. Payday Financial, LLC*, No. 3:13-cv-3023-RAL

I apologize for having to send a second letter regarding rescheduling the preliminary approval hearing in the above captioned matter. On November 18, 2015, the court postponed the hearing to allow various enforcement agencies, including the Federal Trade Commission, to consider whether to file amicus briefs opposing the outstanding settlement, and indicated that the hearing would be rescheduled for early to mid-January. We have been moving forward diligently in reliance on this schedule. It has now come to our attention that the preliminary approval hearing has been scheduled for December 18, 2015 at the request of the parties.

Such a truncated schedule makes it extremely difficult for a federal commission to provide the type of informed, reasoned input that is essential in a case like this. Thus, I respectfully request that the court return to its January scheduling. This short delay should not prejudice the parties, and in fact, should prevent potentially unnecessary expenditures on class notices if the Commission were forced to provide an amicus after the initial, but before the final, approval hearing.

While again I do not speak for the Commission in this letter, the public interest in allowing the Commission to study the proposed settlement and provide the Court with its perspective, if appropriate, more than justify the requested brief delay.

Thank you again for your time and attention, and again I apologize for the second letter in this case.

Sincerely,

James A. Kohm

CC Via Electronic Mail

All Counsel of Record in the *Heldt* action